

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-cr-113-pp

JONATHAN MARTINEZ-ACOSTA,

Defendant.

**ORDER ADOPTING JUDGE JONES'S REPORT AND RECOMMENDATION
(DKT. NO. 478) AND ACCEPTING DEFENDANT'S GUILTY PLEA**

On May 13, 2019, the defendant and his counsel appeared before Magistrate Judge David E. Jones for a change-of-plea hearing. Dkt. No. 478. The defendant consented to Judge Jones taking the plea. Id. at 1. Judge Jones explained that he would make a recommendation to Judge Stadtmueller (the district court judge to whom the case then was assigned), and that Judge Stadtmueller would decide whether to accept the plea. Id. After questioning the defendant under oath, Judge Jones found him to be “lucid, intelligent, and not under the influence of any intoxicants or substances.” Id. Judge Jones also questioned the defendant about his rights, the penalties associated with the offense to which he was pleading, and this court’s final authority to impose a sentence regardless of the recommendations of the probation department or the parties. Id. at 1-2. At the end of the hearing, Judge Jones concluded, and recommended that Judge Stadtmueller find, that the defendant’s plea was knowing and voluntary, and supported by an independent factual basis. Id. at

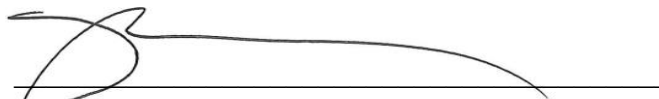
2. Judge Jones recommended that Judge Stadtmueller accept the defendant's guilty plea and schedule a sentencing hearing. Id.

No party has objected to Judge Jones's report and recommendation. Because Judge Stadtmueller has recused himself, the case has been assigned to this court. Having reviewed the docket, the plea hearing and Judge Jones's findings, the court **ADOPTS** Judge Jones's report and recommendation. Dkt. No. 478. The court **ACCEPTS** defendant Jonathan Martinez-Acosta's guilty plea, finding that he entered it knowingly and voluntarily, understanding his rights and the consequences of his plea.

Judge Stadtmueller has ordered that the probation office must disclose the initial presentence investigation report by July 12, 2019; objections are due July 22, 2019 and responses by July 29, 2019. Judge Stadtmueller scheduled the sentencing hearing for August 8, 2019 at 8:30 a.m. At the May 22, 2019 all-counsel status conference, the court discussed with the parties whether, based on the court's calendar, it may be necessary to adjourn that sentencing hearing.

Dated in Milwaukee, Wisconsin this 28th day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge